
REMARKS

Claims 1-46 are allowed in the subject application. The Examiner objects to the oath/declaration for being signed by the assignee of the entire interest because the application seeks to enlarge the scope of the claims of the original patent. The examiner cites 37 C.F.R. §1.172(a) as stating: “a reissue oath may be made and sworn to or declaration made by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.” However, 37 C.F.R. §1.172(a) also states, immediately preceeding the Examiner’s cited section, that “a reissue oath must be signed and sworn to or declaration made by the inventor or inventors *except as otherwise provided* (see §§1.142, 1.143, 1.147)...” The circumstances surrounding the subject application place it in the exception provided by §1.47, as is set forth and in the Petition under §1.47(b) enclosed herewith.

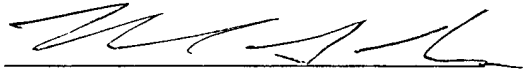
In view of such, the oath/declaration signed by the assignee of the entire interest is believed to be in accordance with 37 C.F.R. §1.172(a), and, furthermore, serves as a written consent of the assignee under 37 C.F.R. §1.172. Additionally, because the declaration signed by the assignee is acceptable in view of the exception under §1.47(b), it is respectfully submitted that forms PTO/SB/53 and PTO/SB/55, were appropriately submitted in response to the Office Action dated August 12, 2003, and should be entered. Accordingly, it is respectfully requested that this objection be withdrawn and that the subject application be allowed.

CONCLUSION

Any additional fees that may be due in connection with this Petition can be charged to Deposit Account No. 50-1063 (Ref.: TELNP120USA).

Should the Patent Office believe that a telephone interview would be helpful to expedite this matter, the Patent Office is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,
AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

24TH Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731